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TRIAL OF F. A. DOCKRAY.

S P E E C H

OF

HON. S. B. CONOVER,
from
OF FLORIDA,

IN THE

UNITED STATES SENATE,

JUNE 23, 1874.



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S P E E C H O F S. B. C O N O V E R.

Mr. CONOVER. I move that the Senate proceed to the consideration of the resolution offered by me on the 14th of May last, in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of Florida.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the President of the United States is hereby requested, if in his opinion compatible with the public interest, to lay before the Senate the correspondence between the Government and our consular agents in Cuba and the Spanish government in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of the United States, for alleged political offenses committed in Cuba.

Mr. CONOVER. Mr. President, there is nothing so peculiar in the conduct pursued by the Spanish authorities in Cuba toward Mr. Dockray that alone would have led me, as a representative of the State of which he is a citizen, to move the resolution relative to him. His case, unfortunately, is not singular. We have been made too familiar in the past with arbitrary arrests, military trials, and illegal executions of American citizens by those who have held despotic authority in the Island of Cuba to be surprised by any new arrest. I am well satisfied that the executive department has been mindful of Mr. Dockray's claim upon its protection, and that all proper steps to obtain for him that kind of trial and those safeguards of liberty which are guaranteed to him by the treaty between the United States and Spain have been taken.

Had Mr. Dockray been arrested in any one of the European kingdoms, charged with an offense against its sovereignty, I should have presented my application for governmental interference in his behalf to the Executive only, confident that the nation by whose authority he was arrested would concede to him a fair trial before impartial judges, and all proper means of defense; but when I recur to the modes of proceeding which have in Cuba supplanted judicial inquiry and deliberate, honest judgments; when I consider who it is that governs in the island, that armed mobs overawe captains-general and force capital convictions by the terror with which they inspire those

who sit to try the accused, I cannot allow this session to pass without an effort to have the Executive action morally strengthened by such a manifestation of the sentiment of this branch of the legislative body as will indicate to the Spaniards in Cuba, whether they be the lawful rulers or the lawless power behind and above them, that the people of the United States will brook no further outrages such as they have hitherto allowed to pass unrequited and unavenged.

The passage of the resolution will, I think, obtain for the Senate information which will enable this body and the people of the United States to learn on what pretexts American citizens are arrested and detained without trial, secluded in filthy dungeons, and subjected to all the outrageous cruelties that have become the fixed rule in Cuba.

And now that the Senate is considering this single case, and its attention is called to the dangers which menace the citizen of the United States whose presence in Cuba attracts to him the suspicion of the Spanish authorities, and the dangers to which he is exposed when accused of complicity with the Cuban revolutionists, it is not inappropriate to consider further whether the United States should longer refrain from expressing in some suitable and proper form its sympathy with those who are struggling to overthrow Spanish rule in the island, or, should it be deemed contrary to our duty as a nation to make a solemn public declaration of those sentiments which it may be assumed our people individually entertain in favor of the Cuban patriots, whether we should not extend to them that measure of support which their struggle will derive from a recognition by the United States of their claim to be regarded as belligerents, and entitled to the rights and privileges which, in accordance with the usages and laws of nations, we may accord to them as such.

The government of Cuba is a despotism, the captain-general having by the royal decree of 1825 the same powers possessed by a military commander where military law exists; superadded to that the power of banishment, confiscation, and imprisonment without trial, and the right to impose taxes without being accountable for the taxes collected.

I read from the decree:

His Majesty the King, our Lord, desiring to obviate the inconvenience which might result in extraordinary cases from division of command and from the interferences of powers and prerogatives of the respective officers; for the important end of preserving in that precious island (Cuba) his legitimate sovereign authority and the public tranquillity through proper means, has resolved, in accordance with the opinion of his council of ministers, to give to your excellency the fullest authority, bestowing upon you all the powers which by the royal ordinances are granted to the governors of besieged cities. In consequence of this, His Majesty gives to your excellency the most ample and unbounded power not only to send away from the island any persons in office, whatever be their occupation, rank, class, or condition, whose continuance therein your excellency may deem injurious, or whose conduct,

public or private, may alarm you, replacing them with persons faithful to His Majesty and deserving of all the confidence of your excellency, but also to suspend the execution of any order whatsoever or any general provision made concerning any branch of the administration as your excellency may think most suitable to the royal service.

The natives are entirely excluded from office and viewed as enemies; "driven from all profitable occupations in order to make room for Europeans; molested in the enjoyment of their property; and obliged, in order to obtain a precarious personal security, constantly to make presents and pay blackmail to the agents of the government." The taxes imposed and carried away from the island annually are about \$35,000,000.

I quote from reliable authority :

The amount of taxes collected in 1866 by the Spanish government was \$26,806,382. As we have no later official reports, we estimate that, with the new taxes imposed in 1867, the public revenues in 1868 must have amounted to \$35,000,000. About \$12,000,000 of this amount is derived from the custom-house, \$2,000,000 from the government lottery, \$11,000,000 from tax upon the productions of the soil, and the balance from taxes on trade and other sources. To this amount there can be added from fifteen to twenty million dollars more, which the people pay in fraudulent exactions and contributions.

The government of Madrid has been for the last ten years receiving from Cuba from five to six millions annually, called the *ultra-marine surplus*, and it has made Cuba pay the expense of the penitentiary of Fernando Po, off the coast of Africa, which costs not less than \$200,000 a year.

Cuba also paid the expenses incurred by the Mexican expedition in 1863, which amounted to \$10,000,000, and of the war with San Domingo, which amounted to, about \$22,000,000.

None of this money is used for public works, schools, hospitals, or sanitary regulations, and moneys extorted from private citizens ostensibly for these purposes have been appropriated and carried away from the island. These operations have led to several efforts for freedom, commencing at the time the South American republics revolted; all of which have been failures up to the present revolution, which began in 1868. In 1844 military means were set to work to suppress an alleged conspiracy. The parties accused were rich, free colored men, who were put to death and their property confiscated; "their lives taken by wholesale on the scaffold, while not a few of them died under the lash, which was freely and mercilessly used to compel them to confession." All efforts to obtain reform and all petitions to the Throne proved failures, owing to the influence of the Spaniards in the island.

Leading Cubans desire the abolition of slavery. The Spaniards desire to perpetuate it and to increase the number of laborers in bondage by the introduction of coolies and African apprentices, which furnish an additional reason for the hostility of the Spaniards to the native Cubans, notwithstanding the despotic power of the captain-general is bad enough.

I propose now to show that Spain is utterly powerless to govern in Cuba, and exercises no control except such as is agreeable to the volunteers.

Since the commencement of the revolution the "volunteers" have completely defied both the captain-general and the home government. They drove out General Dulce and treated the Spanish minister who came to the island with contempt, and boldly declared that they would not obey any decree of the home government which did not suit them. We have the highest authority that these evils exist in speeches of leading republican members of the Spanish Cortes in the presence of the ministers, and not by them refuted. Señor Quintero on one occasion said, in reply to a remark of the colonial minister :

I have no objection to reply that I fully recognize the services rendered by the Havana volunteers so far as regards the murders committed at the Café del Louvre and elsewhere, as also in expelling and sending back hither General Dulce; as I am thoroughly well aware of the ignominy heaped upon the Spanish government for suffering such an attack upon its dignity. If there had been any sense of decorum in the government General Dulce would have returned with a squadron at his back strong enough to force him upon these rebels, for in plain truth the real Cuban rebels are the slaver volunteers of Havana.

Senor Benot said in a debate in the Cortes:

What have I not to fear, when under the name of love for Spain they send our captain-general back to us again? Spain does not govern in Cuba, for if she did she would not suffer innocent children to be shot down as they have been. Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons, being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine, for this irreverence and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs whose glass fronts still remain intact! Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied them. Subjecting your innocent sons, after they had been acquitted, to another council of war; and there at the point of the bayonet, and under the fears inspired by the howls of these blood-thirsty hyenas there condemning eight of your sons to death and the rest to the common gaol! Authorities in the Havana have ceased to exist since the rising has thrown into prison those that were in power; and thousands upon thousands of fierce, lawless men, with dire ferocity necessary to murder your sons unrestrained by law, present, indeed, a fearful picture! But you can hardly even yet form a just idea of this savage scene. The children numbered forty-four, and the second council of war ordered them to draw lots who should die; and among the others it fell to the lot of two brothers, and the stony hearts of the judges even, thinking it had to deprive the father at one blow of both his sons, pardoned one of them; but in order that the arithmetical operation should remain correct and the due number of victims be retained, they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without thinking or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright

senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions? This crime, then, incredible as it is and unexampled in the annals of history, remains still unpunished. * * * And yet the government tells us that crime is proscribed, while this is known to the whole world! Would to God that the bitter tale were hidden from the nations of the earth! I assure you, my lords, that I enter on the discussion of the colonial question with fear, for it horrifies me to have to pick my way over governmental robberies, judicial murders, and the usurpation of parliamentary powers. * * *

Cuba is growing under the scourge of arbitrary power. There is no law, no code, no constitution; the privileges of modern law are trampled in the dust, and the ancient laws are disregarded. Children are immolated; judgment is passed on the dead; the innocent suffer for the guilty; human ears are fried and eaten; the only power is brute force, the vile greed of bad officials, and the infamy of pirates, tyrants, and slavers.

Similar utterances were made at divers periods by other distinguished members of the Cortes. Señor Payela, in speaking of the purposes of the revolution, said:

They wish to preserve slavery to enable them to continue building up fortunes with the slave trade; they hate freedom because it is an impudent informer of all the bad tricks which they have been accustomed to employ in certain mercantile transactions.

Señor Garrido also said on a similar occasion, in 1872:

You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it. This besides the fifty thousand or more that you have sent already! Ah! what you must do with Cuba is not to send twelve thousand more men from Spain, but send back from Cuba hither the twelve thousand vultures which are devouring it; what you must do with Cuba is to send her liberty and a great deal of it, because liberty attracts, mollifies, and renders thankful its recipient. Let this liberty be sent thither, and allow the Cubans to govern themselves like the rest of the Spanish provinces. I can tell you that the question of Cuba is for you an insoluble one. You may send your twelve thousand men there, as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that. You cry out that you must preserve the territorial integrity, and it appears that there is a tendency to believe that we on our side of the house do not wish to do so; but that is a mistake. We wish for it as much as you, and we wish for national unity; but we also wish for liberty, for without liberty there can be no real fatherland; and the Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests.

Against tyranny there is always the right of rebellion, and we, who for fifty years were always rising against despotism, cannot deny the right of rising to those whom we ourselves oppress. Instead of sending twelve thousand men to settle the Cuban question, the republican party would settle it by federation, giving the Cubans the liberty we had ourselves; for if the insurrectionists cry "death to Spain," it is because Spain means to them oppression, tyranny, and plunder.

On another occasion Señor Payela said:

I have now to ask the minister of war whether, having already sent seventy-six thousand men and the Cuban affair not being nearly at an end yet, he thinks he is going to finish the war by sending still more soldiers? I think not; and although

as I do not wish to raise a storm in the house, and will not speak about the Havana volunteers, I have only to say to his lordship that since he now asks for a conscription of forty thousand men because he thinks the war is coming to a finish, he will have to ask for a great many more when it really comes to an end, for he will then have to deal with an insurrection a great deal more to be feared than the present one, namely, an insurrection of the volunteers themselves. The government is asking us for soldiers to send to Cuba, as if it really commanded in the island. I can tell you, gentlemen, that the power that commands now in Cuba are the volunteers of Havana; and they command there because, for some reason which I do not know, they fear for their lives and fortunes and they believe it better to think and act for themselves in the matter of Cuba. The patriotism of the volunteers only means looking after their own interests. The seventy-six thousand men you have already sent have not sufficed to finish the war, nor will the twelve, fourteen, or even twenty thousand more you may send, because the insurrectionists are much more important than you think, and the volunteers are of more importance still. The proof of this is that we send them generals and they send them back to us again.

The Spanish government has hitherto in its communications with foreign governments characterized the efforts of the Cubans as the acts of outlaws and them as banditti, without arms, money, or organized government, led by a few disaffected reckless adventurers, and that the most populous and important parts of the island are free from war and whose population is quiet and loyal; that they have not been able to establish themselves at any important point on the coast, but are held within the mountain wilderness where they carry on a mere guerrilla and predatory warfare. The sentiment of the native Cubans may be inferred from what was stated by General Concha in 1852 when he was in command in Cuba. I read from his secret circular published in the New York Herald of May 2, 1874. It is fitly introduced here to show how he understood the sentiment of the natives, and it also marks the character of the man and the measures of oppression which he may be expected to resort to. It must be observed that this circular was issued secretly, and at a time when there was no hostile force on the island; it is as follows:

[Secret circular.]

Captain General of the Ever-faithful Island of Cuba:

This government being well aware that the traitorous enemies of Her Majesty, encouraged by the magnanimous indulgence with which until now the queen has treated them, and secretly protected by the new Administration of the United States, are projecting an invasion of this island in considerable numbers, and convinced at the same time of the necessity of putting down with a strong hand the revolutionary tendencies of the natives of the country, I order, under the sanction of the supreme government, that, in addition to the decrees communicated to you on the 3d of May and the 15th and 30th of July of this year, you will execute without delay or consideration of any kind the following precautionary measures:

First. At the first news of the disembarkation of pirates you will reiterate the order of the 13th of May about confining to barracks the forces at the disposal of the government in that place, placing them under arms and arranging the inactive classes of the police, firemen, militia, and enrolled sailors, and will also form unattached companies of all the young men and Spanish shop-keepers, in which the na-

tives who are known to be well disposed toward the just cause of Her Majesty may be admitted.

Second. Simultaneously, without loss of time, and using armed force if it be necessary, you will have conveyed to the government house the principal creoles formerly designated in the list sent by you to this superior government as influential persons on account of their knowledge, riches, and revolutionary spirit. When gathered together there you will make them sign a manifest in conformity with the form I sent you on the 30th of last July. You will then order the immediate publication of such manifest, taking care to add to the general offer of lives and properties made there in the particular guarantee of all that each one may own according to your own judgment.

Third. Aware as this government is that it can only count upon the adhesion of Spaniards and of commercial men, and also persuaded at the same time that all the creoles are enemies, or at least indifferent to the triumph of the sacred cause of Her Majesty, and that in the end their means will go to serve traitors and revolutionists, you will collect from said gathering of creoles all the ready money which they may have, as a special and individual offering of the number which may have before signed the manifest.

Fourth. Taking into consideration the present penury of Her Majesty's revenues, in consequence of great military expenditures which the government has been obliged to raise because of the disaffection of the sons of this country, I authorize you, in the name of Her Majesty, in case of need, to exact from the Spaniards and commercial people, as a forced loan also, bearing 6 per cent. interest, any sum up to \$2,000,000 to sustain the war. And as it is not just that these people should be the first to be ruined on account of their loyalty, they will be given by this government local bonds or coupons, emitted on the usual terms in such cases, which you will order to be signed and guaranteed jointly and separately by all the creoles who may compose the meeting spoken of in the second article.

Fifth. To secure the execution of the preceding measure you will order a guard to take in custody and watch the said junta of creoles, so that none of them, under any pretext whatever, may leave the place designated by you as general headquarters. Said guard shall have for ostensible object that of protecting the creoles from the vengeance of their countrymen, and therefore you will treat them apparently with the greatest consideration, trying to make them understand, if it is possible, that all this is done for their good and personal safety.

Sixth. As it may be necessary for you to move to several places in your jurisdiction, according to the fortunes of war, in no case will you leave behind the before named creoles, but will take them with you to all places so as to not lose the moral force which their apparent co-operation will give to the government, preventing at the same time any use which the enemies of the crown might make of them.

Seventh. The disaffection of the natives being so marked that undoubtedly some of the above-mentioned creoles will make great efforts to mock our vigilance and desert from the side of the government, you will suppress with a severe hand any attempt of this nature, or any expression of discontent, by means of previous government measures; and in case you esteem it necessary to inflict exemplary punishment, so as to impose respect and absolute submission, you will shoot (*posar por las armas*) one or more of them, being sure to execute the sentence when you are distant from the city and the troops are on the march.

Eighth. And, it being most important for the triumph of the royal cause to make sure of all the results which the government proposes to obtain from these regulations in particular, I charge you with the greatest secrecy and the strictest compliance with them under the severest responsibilities of your life and office, requiring you to acknowledge the receipt of this communication.

God guard you many years.

The Herald comments on this circular as follows :

All the prominent Cubans in the city who have expressed an opinion upon the subject agree that the Spanish government in calling Concha for the fourth time to office in Cuba virtually confesses its inability to subdue the insurrection there. The patriots here have been in high glee ever since the arrival of the Marquis of Havana, whom they look upon as an aged tyrant who represents in himself every trait of the Spanish character that is most distasteful to Cubans, and they believe that during his present administration Cuba will emancipate herself from the mother country. The failure of Jovellar and his call for twenty thousand troops were measures that made manifest to the world the weakness of Spain. Also the action of Concha, who is taking a money compensation in lieu of drafted men that ought to be sent into campaign, shows the kind of pandemonium to which the new captain-general admits the island to be reduced. The Cuban newspapers here are bringing to light Concha's no very glorious antecedents, and predict the speedy abandonment of the island by the Spaniards, and in so doing but reflect the opinions of their wisest and most experienced leaders. The Cubans are daily on the lookout for news of another battle, and point with pride to the fact that General Portillo, the pacifier of the Cinco Villas, has showed himself to be, in Puerto Principe, entirely unable to cope with the astute and intrepid Maximo Gomez.

Mr. President, if he correctly expressed the sentiments of the native population in 1852, we have every reason to suppose that the friendly feeling in Cuba for Spain, if any, has not increased, when we find that so many causes for discontent have accumulated since. In this connection we cannot overlook the position of the colored population, as to which side their sympathies are with. There can be no doubt in this regard, since the Cuban government has decreed the emancipation of all slaves in the island. The strength of the revolution is in the unanimity of that portion of the population which comprises seven-tenths of the whole—the natives.

The actual results of the Cuban arms must be ascertained, of course, not merely by the magnitude of the forces pitted in battle at any one time against the Spaniards, the character of their equipments, the state of their treasury, or whether or not they are possessed of seaports and shipping. We must look to the effect produced upon the Spanish powers, their losses in battle, and the treasure consumed; the data for which we find in public documents and the press of Spain, as well as from other reliable sources. Mr. Sickles, in a dispatch to Mr. Fish, a year ago, stated that the Spanish government had lost in four years sixty thousand men. Señor Payela, we have seen, stated the loss at seventy-six thousand, to which is to be added at least twenty-five thousand for the past year because of the greater frequency of encounters and the greater number of forces employed in them.

The amount of money levied by Spain in Cuba during the war and actually applied is about \$100,000,000. Besides that, it is said there is a debt of nearly \$40,000,000. Money has been obtained by every means, ordinary and extraordinary, until their treasury is literally bankrupt. General Valmaseda not long ago, when in command, asked

the home government for the insignificant amount of \$12,000,000, which was refused him for the reason that "it had not the money to give and its credit was too poor for it to be able to borrow that sum."

These facts and the recent financial decrees of the captain general show that the means of carrying on the war have been exhausted, and that there is evidence that Spain is no longer able to furnish money or men, for the advices from Cuba inform us that General Coneha has ordered a conscription even among the native Spaniards, and has also ordered the organization of a certain number of battalions of slaves.

These results have been produced by operations carried on by the Cuban commanders, and they are cogent evidence in favor of their claims to be considered a belligerent nation. These facts address themselves to the consideration of our Government when deciding whether it is proper to recognize the Cuban government, leaving out of question our sympathy with their efforts to establish a republic, to put an end to slavery, and to do away with the existing injuries upon our commerce, irrespective also of our duty to interpose a check to the outrageous manner in which the Spanish generals have carried on the war. But we cannot ignore these cogent reasons why we should accord to the Cuban revolutionist that moral support to which they have entitled themselves by their military successes:

First. An independent republic in Cuba instead of the present system of rule there is certainly desirable by the people of the United States.

The abolition of slavery in Cuba is also a matter of the first importance, and the President has candidly stated to the government of Spain that it is a matter which the United States feels a deep interest in, and in fact insisted that it was its duty to have put an end to it. The diplomatic correspondence is full of the promises of Spain on the subject, made to the United States and England; but there has been nothing but evasion on the part of Spain. As was stated by Señor Payela in the Cortes, there is a power in Cuba greater than Spain. The Spanish volunteers and those who grew rich by the slave trade and large slave-owners boldly declare that they will obey no edict of emancipation if one should be issued by the Spanish government.

The manner and conduct of the war and the atrocities perpetrated are to be found in a publication entitled "The Book of Blood," wherein it appears that up to 1873 there were twenty-nine hundred and twenty-seven prisoners put to death in cold blood. This statement is made on the authority of the Havana newspapers. It is also alleged that more than five thousand have disappeared whose fate has never been made known, but no one doubts that they likewise perished. A large number have been arrested in civil life, tried by court-martial and condemned to death, to imprisonment in penal

fortresses, or to the disgraceful punishment of labor in the chain-gang. Among these were some of the most distinguished and highly educated inhabitants of the island. The proclamation of Valmasado is well remembered, but I will reproduce it here in part, to show the brutality and inhumanity of the Spanish officials in their conduct of the war in Cuba :

First. Every man from the age of fifteen years and upward found away from his habitation and does not prove a justifiable motive therefor, will be shot.

Second. Every habitation not occupied will be burned by the troops.

Third. Every habitation over which does not float a white flag as a signal that its occupants desire peace, will be reduced to ashes.

Women that are not living at their own houses or at the house of their relatives, will collect near the town of Jiquani or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

This pronunciamento called from Mr. Fish, the Secretary of State, the following remonstrance, addressed to Mr. Lopez Roberts, under date of May 10, 1869 :

In the interests of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me in the most forcible manner to protest against such a mode of warfare.

One instance of a trial, and what the court-martial was expected to do, is found in the order of the captain-general consigning the president and members of the court to prison for two months, for too great clemency in sentencing a civilian to six years' hard labor in the chain-gang for seditious language :

Don Jose Dominquez, captain of Spanish infantry, was in the village of Veguita in the jurisdiction of Colon. On September 27, 1870, he ordered a peaceable man to be shot because he suspected him to be an insurgent, and that as soon as he was executed his ears should be cut off and his tongue cut out. On the following morning he invited three of his friends, brother officers, to breakfast, and presented to them as a choice dish the ears and tongue of the insurgent, cooked! His friends were horrified, and reported it to the commanding officer. The cannibal was tried and condemned to death; but he was subsequently pardoned by special order of the King of Spain, who was thoroughly cognizant of the circumstances of the case, and restored him to his command.

The American people, Mr. President, cannot look upon the struggle in Cuba with indifference. On the one side it is a struggle for life, for liberty, for property; on the other, for subjugation, abject and complete. In their declaration promulgated at Manzanillo in October, 1868, the Cubans state the case thus :

In arming ourselves against the tyrannical government of Spain, we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the Island of Cuba with an iron and blood-stained hand. The former holds the latter, deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally prosecuted and thrown into exile or executed by military commissions in times of peace; hence their being

kept from public meetings and forbidden to speak or write on affairs of state; hence their remonstrances against the evils that afflict them being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from her shores by the Spanish government. And as Spain has many a time promised us Cubans to respect our rights without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation utterly revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleadings for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them, and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

For seven years, Mr. President, has this "appeal to arms" continued. Spain has exerted all her power to overcome the resistance to her despotic rule; but who can say that she is any nearer success than she was six years ago? Nay, is not success less probable now than it was when the war first began? I admit that the question is one of great delicacy and should be treated with due regard to a continuance of friendly relations with the Spanish government. But all things must eventually reach their end. It cannot be expected that the forbearance of the American Government is to continue forever, or that we shall confine our action in the future as in the past to mere diplomatic remonstrances. So far from it, I submit that the time has come for a policy having in view a speedy pacification of the island. That we should quietly regard a struggle almost within sight of our shores, characterized by a brutality worthy the most ferocious of the savage tribes of our own country, is little creditable to our humanity. It may be true that governments may have nothing to do with sentiment, but in this case the instincts of humanity unite with statesman-

like prudence in urging a course which will both tend to put a stop to the further prosecution of a bloody strife and to preserve peace between the two countries. So long as the war in Cuba continues peace with Spain is constantly menaced. No one knows how soon the country may be startled and shocked by a second Santiago de Cuba massacre; and so deeply impressed is the public mind with the danger of a repetition of that terrific butchery that the Government has found it necessary to keep a fleet of war vessels within easy reach of the Cuban coast at a cost of merely fitting out the fleet of \$6,000,000, occasioned by the manifest disregard by the Spaniards of our rights as a nation and their defiance of our Government.

No other government situated as we are, with all our sympathies pointing in one direction and our interests following the direction of our sympathies, could have exhibited to the world in the face of great persecution such a spectacle of forbearance. The question to be determined is as to the nature of the "new departure" to be adopted toward Cuba. I am not aware that to accord belligerent rights to the Cubans could be construed as an act of hostility to Spain, and this, unless indeed the policy of official remonstrance and delicate suggestion which experience has shown to be barren of practical results is to continue to mark our treatment of the subject, is the least that can be done. Recognition of Cuban independence would be far more in consonance with our own history as a nation and far more in accord with the genius and spirit of our Government. Expressions of sympathy for the success of the Spanish colonies of South America struggling to establish their liberty and independence were adopted by the House of Representatives in 1821, and in the following year recognition of their independence was voted with extraordinary unanimity by the same body. In urging this step on Congress President Monroe said:

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests to adopt it.

In the debate on the resolution reported by the Committee on Foreign Relations in the House, in March 1822, Mr. Poinsett said:

Sir, if ever there was an occasion that justified a revolution, that called upon the people to recur to first principles, and to seek relief from an abuse of power by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right but from actual suffering and grievous oppression; from causes radical and certain though gradual in their operations, causes that would have inevitably produced a revolution without the violent crisis

to which the mother country was exposed and which only accelerated that event. It was felt in their government, in the administration of justice, in their agriculture, in their commerce, and in their pursuit of happiness. Governed by viceroys responsible in name, but in fact as arbitrary as the King of Spain himself, who commanded not only the military governors and intendants of provinces but presided over the tribunals of justice. And let any one imagine what kind of government the miserable colonists must have enjoyed under European Spaniards vested with such powers and who had nothing to dread but an examination of their conduct before a tribunal two thousand leagues from the theater of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

This language, Mr. President, was uttered fifty-two years ago, and yet, sir, it is as applicable to the character of Spanish rule in Cuba to-day as it was when Spanish tyranny drove the South American colonies to take up arms to redress their grievances. While other nations have learned to respect the aspirations of the subjects for a more enlarged freedom, Spain remains as imperious and blind in her tyranny as when she "lost Flanders through her cruelty." "We have now the right," said a member of the Cortes, in speaking of the treatment of the Cubans by Spain, "of being held up as the most inhuman people in all civilization." To me the establishment of a republic in Spain, while the effort is made to force upon the Cubans a government by means which provoke the abhorrence of all Christendom, has more the appearance of a solemn mockery than a reality. From having once been the most powerful nation of the earth, she has lost her provinces one by one through oppressive cruelty, and her statesmen of the present day appear to know no better instrument of government or effective means of challenging the confidence and affections of their distant subjects than the sword and blood, wielded and shed by rapacious generals and a brutal soldiery.

"The provinces belonging to this hemisphere are our neighbors," said Mr. Monroe, and we cannot avoid, if we would, feeling a deep solicitude in their welfare.

The suspension of our neutrality laws would soon end the contest in Cuba. Granting to the struggling Cubans belligerent rights would be a step toward the same end, while a recognition of their independence would as certainly be the means of insuring that independence as that effect follows cause. Chili and Peru have already extended that recognition, and I am persuaded that a similar act on the part of the American Government could not fail of carrying with it such moral force as to result in changing the character of the war waged by Spain and in restoring peace to the island.

Sooner or later, Mr. President, will one or the other of these lines of policy be adopted, and sooner or later will Spanish domination in the Gulf cease. Cuba may not in the life of the present generation become one of the States of the American Union, but that she will cease to be a dependency of Spain is inevitable. This catastrophe

has been hastened by the course of the mother country in persistently denying to the Cubans "their inborn rights," and by subjecting their lives and property to the will of rulers whose rapacity, arrogance, and pride see in those who are not of Spanish blood only enemies to be plundered and in time to be imprisoned and slain.

These struggling people have established a government which appeals to us for recognition and sympathy, and for one I am prepared to take my share of responsibility for the consequences that may follow the acknowledgment of the fact. In the case of Texas, after the battle of San Jacinto and before peace had been made with Mexico, Mr. Webster said, "That if the people of Texas had established a government *de facto* it was undoubtedly the duty of this Government to acknowledge their independence." Of the million and a half of people inhabiting the island, it is estimated that thirteen-fifteenths are earnest sympathizers with the rebellion, while authentic information shows that the Cuban army numbers more men than General Washington was able to concentrate at any one point during the whole period of the revolutionary war. Of pure Spanish blood it is supposed that there are not exceeding one hundred thousand persons in Cuba, and it is from this class of the population that the "volunteers" are made up, and it is through them that Spain expects to continue her grasp upon the fairest gem of her West India possessions. To use the language of a Senator in urging the recognition of the South American governments :

Shall we as a nation stifle all our sympathies in favor of free government to gratify the vain-glorious pride of Spain ? If we do, we shall betray the rights and interests of republics. Heaven, in giving freedom to us first, made it our primal eldest duty to go forth first and acknowledge it in others. Honor and duty call alike upon us to perform the rightful mission. The same Providence that gave us success in our revolutionary struggle is conducting the other nations of America through bloody wars to peace and independence. Our approbation may inspire them with fresh confidence and stimulate their love of liberty.

The commerce of the United States has been injuriously affected by the civil war which has existed in Cuba and because of the various impositions made upon it by the decrees of the captains-general when seeking to obtain the means to meet the extraordinary expenses made necessary thereby. The trade of the United States with Cuba amounts to about one hundred millions yearly. The State which I have the honor in part to represent has been deprived of a commerce which formerly furnished employment to many vessels and men and considerable capital. It was constantly growing and capable of extension. I allude to the exportation of live and cured fish to Cuba, a business which has been entirely destroyed by the repeal of the liberal system of free trade established in respect to vessels carrying fish to Havana by Captain-General Tacon, a man who although of an arbi-

trary character, acted upon a wise and enlightened policy in matters of trade.

If we had free trade with Cuba the ports of Florida would be found well situated for interchange of products of Florida and western products for those of Cuba. This mode of communication between Cuba and the West was formerly used to some extent, but the recent construction of railroads connecting the rivers and sea-ports of Florida with Louisville, Saint Louis, and Cincinnati has greatly increased the means of communication with the island and lessened the cost. The Gulf States could furnish Cuba with lumber, live stock, &c., and take from it many articles not now imported because of the restriction in trade on them imposed by the government of Cuba. The particular operation of these restrictions on our commerce and the amount of our consequent losses I will not undertake to specify; they are easily ascertained by reference to the reports on the subject made to Congress by the Secretary of the Treasury. I allude to the subject only to show that our people suffer loss by the civil war in Cuba, and that they are sensible thereof, and for this and other more potent reasons desire that our Government should take proper and becoming action, such as will tend to restore peace and establish a liberal government in the island. That such is the public sentiment of Florida appears from the declarations made of them by the Legislature of the State; that the people have given expression to their sympathy with the Cuban patriots in the most emphatic and positive manner I am able to assert. What has tended forcibly to arouse feelings of interest in behalf of the Cubans and dislike of Spanish rule in Cuba has been the forced emigration to Florida of thousands of native Cubans who fled to the United States to escape from the cruel and arbitrary rule which exists in their native land. These people were cut off from their countrymen who are in arms against Spain and had no other refuge from death or imprisonment save in voluntary exile; with them came many faithful servants of the colored race, whose stories of the wrongs and injuries which are inflicted by the military tyrants who hold sway in Cuba are such that the colored citizens of Florida are specially affected thereby as well as by the continuance of African slavery in Cuba, and they are anxious that the United States should extend some aid to those who are fighting in Cuba to procure freedom for all its inhabitants without respect to race. So strong is this feeling among the colored citizens of Florida that thousands of them would gladly give their active assistance to the Cubans.

Could they do so without violating the laws of the country? At a recent period when hostilities with Spain seemed probable, large numbers of the colored citizens of Florida consulted together for the purpose of tendering their services to the Government to serve in any military force that should be sent to Cuba. The strongest military

spirit was displayed among them, and they regret that the opportunity they coveted to aid their brethren in Cuba was lost to them. Should the occasion ever come when they can be employed in such manner I undertake to pledge that their services will be tendered by them with the greatest enthusiasm.

The Cubans who have made their homes in Florida are a peaceable, industrious, and law-abiding people; they have established branches of industry with which they were familiar, which increases the resources of our State and pays to the national Treasury a large sum of money annually, more than half of the receipts from all other sources of internal revenue in the State.

I have not confined myself strictly to the subject of the resolution which I have offered, because I feel that the safety of American citizens demands something more than a remedy confined in its operation to the redress of any particular injury to a citizen who travels to Cuba for business or pleasure, but that the true course for the Government to pursue is such a one as will secure him perfect protection in the future and render the constant repetition of the wrongs inflicted impossible. It is therefore relevant to speak of the conduct of the war in Cuba, its probable termination in favor of Cuban independence, and the reasons why we should extend such moral countenance and support to the cause with which we cannot but sympathize and as our duty as a neutral will permit.



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A D D R E S S

OF THE

CUBAN CHARITABLE AID SOCIETY.

PEOPLE OF THE UNITED STATES :

We ask your generous sympathy and liberal hand for the People of Cuba, heroically struggling for Independence from Spanish despotism, in comparison with which the oppressions of England in 1776 were liberty itself.

Citizens of the Republic—who make the laws—we shall obey them ; one of the Nations—we shall respect their usages. But believing in the brotherhood of man, we shall never ignore justice nor prove faithless to Humanity.

We ask the co-operation of all classes, creeds and parties ; restricting none in their liberty of action and utterance, save that, in their association with us, they shall not subordinate the cause of Cuba to other aims.

Our purpose is to arouse and concentrate the moral support of the nation in behalf of the recognition—by the general government—of the Belligerency and Independence of Cuba, when reason and facts shall make the demand.

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C 96

We aspire to see Cuba an independent ally, or one of the States of the Republic. We have faith in the success of our cause; but should an inscrutable Providence decree the relapse of the Cuban patriots into Despotism, we project a charity for this desolate and ruined people, such as has not been more deservedly and urgently needed since the Christian era.

Letters containing donations will be sent to the Treasurer, the Hon. CHARLES A. DANA, of the New York *Sun*; and other letters to the President, 45 Liberty St., New York, Box 4950.

The treasurer and the vice-presidents of the several States and Territories appointed by this committee are the only persons authorised to receive subscriptions of money—which will be handed over to the representatives of the Cuban Cause in New York, and there our responsibility will cease.

Donations will be published in the journals, and the donors will be made life-members of this society.

By order of the Executive Committee.

C. M. CLAY, *Pres't.*

HORACE GREELEY, *V.-Pres't.*

JOSIAH OAKES, *V.-Pres't.*

CHARLES A. DANA, *Treasurer.*

S. D. STOCKING, *Cor. Sec'y.*

NEW YORK, *Jan. 28th, 1870.*

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